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MM92/0530

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ART UNIT
2675

PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No. 08/919,947	Applicant(s) Richardson
Examiner John A. Ward	Group Art Unit 2875

Responsive to communication(s) filed on Mar 20, 2000

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

- Claim(s) 81-99 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- Claim(s) _____ is/are allowed.
- Claim(s) 81-99 is/are rejected.
- Claim(s) _____ is/are objected to.
- Claims _____ are subject to restriction or election requirement.

Application Papers

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The drawing(s) filed on _____ is/are objected to by the Examiner.
- The proposed drawing correction, filed on _____ is approved disapproved.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All Some* None of the CERTIFIED copies of the priority documents have been
- received.
- received in Application No. (Series Code/Serial Number) _____.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- *Certified copies not received: _____
- Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- Notice of References Cited, PTO-892
- Information Disclosure Statement(s), PTO-1449, Paper No(s). 11
- Interview Summary, PTO-413
- Notice of Draftsperson's Patent Drawing Review, PTO-948
- Notice of Informal Patent Application, PTO-152

-- SEE OFFICE ACTION ON THE FOLLOWING PAGES --

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DETAILED ACTION

Claim Rejections - 35 U.S.C. § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 81, and 89-91 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amstutz et al (US 4,955,044) in view of Pacholok (US 4,904,903).
3. Amstutz et al ('044) discloses in the prior art of record a lighted display case comprising of an integral frame work 16 (line 21 column 3), rear sliding doors 28 (line 23 column 3), a ballast 44 mounted to the bottom member 46 of the base portion 14 (line 49-50 column 3), a fluorescent tube socket extending downwardly from a subframe 101 (figure 19, 20), an electrical cord 36 and wiring assembly 38 (line 45-46 column 3).
4. Pacholok ('903) discloses a ballast for high intensity discharge lamps comprising of an electronic ballast having a operating voltage of 0-200 volts (line 12-20, column 5) and a frequency range below 5 kHz to 500 kHz (line 24-32, column 8).
5. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the lighted display of Amstutz et al with the electronic ballast of Pacholok

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in order to provide a low cost ballast having reduced electromagnetic and radio interference emissions as taught by Pacholok (line 10-13, column 2).

7. Claims 82-88, 92-99 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amstutz et al in view of Kelman (US 2,522,044) and in further view of Seoke et al (US 5,768,898)..

8. Amstutz et al ('044) discloses in the prior art of record a lighted display case comprising of an integral frame work 16 (line 21 column 3), rear sliding doors 28 (line 23 column 3), a ballast 44 mounted to the bottom member 46 of the base portion 14 (line 49-50 column 3), a fluorescent tube socket extending downwardly from a subframe 101 (figure 19, 20), an electrical cord 36 and wiring assembly 38 (line 45-46 column 3) but does not disclose the physical description of the fluorescent lamp socket or the temperature tolerance of the ballast..

9. Kelman ('044) discloses in the prior art of record a fluorescent light socket comprising of contact fingers 45 with arcuate shape of the surface area (figure 3), longitudinal connection movement with the lamp 11 (figure 1).

10. Having a hollow-cylindrical shape for accepting the pin contact of the fluorescent lamp 11 (figure 1) and covering the pin by at least 50 percent (figure 5), a split sleeve contact that connect to the lamp 43 which can either be screwed or solder (figure 6 and 11), with the pins having engage the lamp over at least 180 degree of circumferential surface of the lamp pins (line 50-53 column 3).

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11. The surface area of the electrical contacts are a design choice, along with the use of a polymer as the housing of the socket, the use of 16 gauge wire is obvious since 16 gauge wire and it's use is known in the art.

12. Seok et al discloses in the prior art a refrigerator having a fluorescent lamp for illuminating fresh food compartment comprising of a fluorescent lamp 39, and a ballast 33 (line 59-60 column 3), which is located within the refrigerated area (figure 1).

13. Therefore it have been obvious to one of ordinary skill in the art at the time the invention was made to combine the fluorescent lamp of Amstutz et al with the socket of Kelman and the temperature tolerate ballast of Seok et al in order to provide a fluorescent lamp installed in the fresh food compartment, and is turned on and off according to the opening and closing of a door as disclosed in the abstract of Seok et al ('898).

14.

Response to Arguments

15. Applicant's arguments filed March 20, 2000 have been fully considered but they are not persuasive. The novelty of the invention has not been clearly disclosed in the claims.

16. In response to applicant's arguments, the recitation refrigerated display case has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See

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In re Hirao, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., refrigerated case) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's arguments do not comply with 37 CFR 1.111© because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

17.

Conclusion

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John A. Ward whose telephone number is (703) 305-5157.

19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea, can be reached at (703) 305-4939. The fax phone number for this group is (703) 305-3432.

20. Any inquiries of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-0596.


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800

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JAW

May 24, 2000